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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,046	11/07/2001	Toshio Kikuchi	040356-0404	4829

7590

09/12/2002

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EXAMINER

NGUYEN, HANH N

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,046

Applicant(s)

KIKUCHI ET AL.

Examiner

Nguyen N Hanh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lindberg.

Regarding claim 1, Lindberg discloses a rotating electric machine having a stator (46 in Fig. 3) with a slot housing coils, and a closing member (Fig. 5) for closing the opening of the slot and forming a cooling passage in the slot (Fig. 9), the rotating electric machine comprising:

a regulating member (Fig. 5) for narrowing the cross-sectional area of the cooling passage in the slot.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Baba et al.

Regarding claim 1, Lindberg discloses a rotating electric machine having a stator (4 in Fig. 17) with a slot housing coils, and a closing member (9 in Fig. 4 and 9) for closing the opening of the slot and forming a cooling passage in the slot (inherent), the rotating electric machine comprising:

a regulating member (Fig. 12) for narrowing the cross-sectional area of the cooling passage in the slot.

Regarding claim 2, Lindberg also discloses a rotating electric machine wherein the closing member and the regulating member are integrated.

Regarding claim 3, Lindberg also discloses a rotating electric machine wherein the regulating member extends from the main section of the closing member into the slot.

Regarding claim 4, Lindberg also discloses a rotating electric machine wherein the regulating member is disposed in substantially a central section of the slot.

3. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by McCabria.

Regarding claim 6, McCabria discloses a rotating electric machine, comprising: a stator (34) having a stator core and a slot; coils housed in the slot; a closing member (68 in Fig. 7) for closing the opening of the slot and partitioning a cooling passage (66) in the slot; wherein the coils are provided in a coiling region limited to a position near the bottom of the slot, and the overall region closer to the opening of the slot than the coils is filled by the closing member (Fig. 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baba et al. in view of Takeuchi et al.

Regarding claim 5, Baba et al. show all limitations of the claimed invention except showing the rotating electric machine wherein the stator is formed by arranging a plurality of divided cores with coils in a cylindrical shape.

However, Takeuchi et al. disclose the rotating electric machine wherein the stator is formed by arranging a plurality of divided cores with coils in a cylindrical shape for the purpose of simplifying the manufacturing process.

Since Baba et al. and Takeuchi et al. are in the same field of endeavor, the purpose disclosed by Takeuchi et al. would have been recognized in the pertinent art of Baba et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Baba et al. by using a plurality of divided cores with coils in a cylindrical shape as taught by Takeuchi et al. for the purpose of simplifying the manufacturing process.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCabria in view of Abukawa et al.

Regarding claim 7, McCabria shows all limitations of the claimed invention except showing the rotating electric machine further comprising a stopper projecting from the teeth of the stator core into the inner section of the slot and being positioned on the end of the coiling region near the opening of the slot.

However, Abukawa et al. disclose the rotating electric machine further comprising a stopper projecting from the teeth of the stator core into the inner section of

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the slot and being positioned on the end of the coiling region near the opening of the slot (Fig. 2 and 3) for the purpose of holding the closing member.

Since McCabria and Abukawa et al. are in the same field of endeavor, the purpose disclosed by Abukawa et al. would have been recognized in the pertinent art of McCabria.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify McCabria by forming comprising a stopper projecting from the teeth of the stator core into the inner section of the slot and being positioned on the end of the coiling region near the opening of the slot as taught by Abukawa et al. for the purpose of holding the closing member.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCabria.

Regarding claim 8, McCabria shows all limitations of the claimed invention except showing the rotating electric machine wherein the closing member comprises a first member and a second member, the first member molded of a resin in the slot opening, and the second member buried after removing a mold member used in the slot to form the first member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the closing member by the first member and the second member, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Moreover, the method of forming the first and the second closing member is given little patentable weight since the method of forming the device is not germane to the issue of patentability of the device itself.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCabria in view of Takeuchi et al.

Regarding claim 9, McCabria shows all limitations of the claimed invention except showing the rotating electric machine wherein the stator is formed by arranging a plurality of divided cores with coils in a cylindrical shape.

However, Takeuchi et al. disclose the rotating electric machine wherein the stator is formed by arranging a plurality of divided cores with coils in a cylindrical shape for the purpose of simplifying the manufacturing process.

Since McCabria and Takeuchi et al. are in the same field of endeavor, the purpose disclosed by Takeuchi et al. would have been recognized in the pertinent art of McCabria.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify McCabria by using a plurality of divided cores with coils in a cylindrical shape as taught by Takeuchi et al. for the purpose of simplifying the manufacturing process.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (703) 305-3466. The examiner can normally be reached on Monday through Friday.

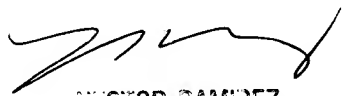
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

HNN

August 28, 2002



NESTOR RAMIREZ
SUPERVISOR
AUG 28 2002